

Appl. No. 10/530,890
In re VILLAGRASA et al.
Reply to Office Action of Jan. 7, 2008

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 1 and 2. These sheets, which include Figs. 1 and 2, replace the original sheets including Figs. 1 and 2. In Figs. 1 and 2, the previously omitted reference letter F marking the direction of the translational movement of the gripping part of the vehicle door handle has been added. No new matter has been added. In Fig. 2, the previously omitted reference numeral 30 marking the vehicle door, and the previously omitted reference letter F marking the direction of the translational movement of the gripping part of the vehicle door have been added. No new matter has been added.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated January 7, 2008. This amendment and request for reconsideration is intended to be fully responsive thereto.

The drawings were objected to by the Examiner because they did not show every feature of the invention specified in the claims. Specifically, the examiner noted that the “elastic return means” (claim 9), the “end of the lever (12) ... has an essentially cylindrical profile” (claim 11), the “sliding elements” (claim 13), and the motor vehicle strip doors with rear frame of window are not shown in the drawings.

In order to expedite the prosecution of the present application, claim 9 has been amended to delete reference to the “elastic return means”, and claims 11 and 13 have been canceled. No new matter has been added.

Moreover, the drawing Fig. 2 has been amended to add the previously omitted reference numeral 30 marking the vehicle door. No new matter has been added. The specification has been correspondingly amended. No new matter has been added. Furthermore, claim 1 has been amended to recite “rear frame (20) of a door” instead of “rear frame (20) of the window of each door”. No new matter has been added.

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The drawing Figs. 1 and 2 have been further amended to add the previously omitted reference letter F marking the direction of the translational movement of the gripping part of the vehicle door handle. No new matter has been added. The specification has been correspondingly amended. No new matter has been added.

Claims 3, 21, 23 and 24 were objected to because of minor informalities. Claims 3, 21, 23 and 24 have been amended to overcome these objections. No new matter has been added.

Moreover, claims 21, 23 and 24 were objected to because recitation of “the panel or mask” lacked clear antecedent basis. In order to overcome these objections, claim 3 has been amended to depend upon claim 2 instead of claim 1, while claims 21 and 23 have been amended to depend upon claim 3 instead of claim 2. No new matter has been added.

Claims 1, 3, 5-10 and 21-24 have been also amended to correct minor informalities. No new matter has been added.

Claims 4-11 and 13 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, it is not clear to the Examiner what would retain those parts 6 and 11 together. As noted above, claims 11 and 13 have been canceled, thus rendering their rejection moot.

Regarding claim 4: MPEP 2164.01 clearly states that any analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure contains sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation. For example, one skilled in the art would readily realize how to retain the shank 11 in the guide element 6. Furthermore, MPEP 2164.01 specifically emphasizes that “A patent need not teach, and preferably omits, what is well known in the art” (emphasis added).

Applicant stresses that a variety of techniques to retain shaft-like elements in grooves for relative pivoting movement, such as shank 11 in guide element 6 according to the present invention, are well known in the art, and, therefore, need not be disclosed. Such techniques can include various retainers in the form of spring clips, caps, inserts, etc. Thus, one skilled in the art would clearly realize how to practice the invention. Moreover, as shown in Fig. 1 of the present application, a lower portion of the shank 11 is partly disposed in the rail 7 so as to retain the shank 11 in the groove in the guide element 6.

Accordingly, the rejection of claims 4-10 under 35 U.S.C. 112, first paragraph, is improper. As will be noted herein below, the limitations of claim 4 were incorporated into claim 1.

Further regarding claims 5 and 7: the examiner alleges that it is not clear how the vertical translation of the handle about an axis parallel to the axis of rotation of 9 affects the claimed angle. Contrary to the examiner's allegations, claims 5 and 7 do not recite the vertical translation of the handle about an axis parallel to the axis of rotation of 9. As clearly illustrated in Figs. 1 and 2, the door handle translates (or moves in a straight line) horizontally in the direction F substantially perpendicular to the axis of rotation of 9. Thus, the rejection of claims 5 and 7 under 35 U.S.C. 112, first paragraph, is improper.

Further regarding claim 6: the examiner alleges that it is not clear how the handle could rotate with a square portion 6 housed in a similar-shaped channel. Contrary to the examiner's allegations, claim 6 does not recite any rotational movement of the guide element 6 housed in a similar-shaped channel. In fact, claim 6 recites two guide elements (6) each located at one end of the gripping element, which can slide (not rotate) along a rail (7) of the support (4), allowing the gripping part to move in translation, i.e. motion in a straight line, when it is actuated by the user 9 (although, the gripping part with the guide element 6 can rotate). It is not claimed or disclosed that the guide element 6 housed in a similar-shaped

channel. As shown in Fig. 1 of the present application, the guide element 6 is disposed above (and outside) the channel defined by the rail 7. Thus, the rejection of claim 6 under 35 U.S.C. 112, first paragraph, is improper.

Claims 5, 8, 13, and 29 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As noted above, claim 13 has been canceled, thus rendering its rejection moot. Claim 5 has been amended to specify that the direction of the translational movement of the gripping part is oriented at a small angle with respect to an axis perpendicular to the surface of the door, thus overcoming the examiner's rejection. No new matter has been added. The support for this amendment could be found on page 3, lines 24-27 and page 9, lines 17-20 of the specification. Claim 8 has also been amended to overcome the examiner's rejection. No new matter has been added. Claim 29 has been canceled, thus rendering the rejection moot.

Claims 1, 14, and 29 were rejected under 35 U.S.C. 102(b) as being anticipated by Schoch (US 2,570,160). Applicant respectfully disagrees. However, in order to expedite the prosecution of the present application, claim 1 has been amended to specify that the gripping part (1a) includes a groove (2). The support for this amendment could be found on page 9,

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lines 22-23 of the specification. No new matter has been added. Claim 1 has been further amended to include the limitations of claims 2 and 4, thus introducing new element: a handle support and specifying that the gripping part (1a) is movable in translation relative to the rear frame of the door when actuated by the user. The support for this amendment could be further found on page 9, lines 13-17 and page 10, lines 19-27 of the specification. No new matter has been added. Claims 2 and 4 have been correspondingly canceled. Claims 5, 6, 8 and 9 have been amended to depend upon claim 1 instead of canceled claim 4. No new matter has been added.

Anticipation under Section 102 requires that a prior art reference disclose every claim element of the claimed invention. *E.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986). The absence of any element of the claim from the cited reference negates anticipation. *E.g., Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 715, 223 U.S.P.Q. 1264 (Fed. Cir. 1984). Those skilled in the art would not possibly interpret the space between the handle 14 and a recess 15 in the face plate 10 as a groove in the gripping part of the handle. Thus, Schoch fails to disclose the gripping part of the handle including the groove. Moreover, Schoch fails to disclose the gripping part movable in translation relative to the rear frame of the door when actuated by the user. For these reasons alone, the applied document, *i.e.*, the '160 patent to Schoch, does not meet this standard of anticipation. Accordingly, the rejection of claims 1 and 14 under 35

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U.S.C. 102(b) is improper.

Claims 2, 4-8, 13, 21, and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schoch. Applicant respectfully disagrees. As noted herein above, the limitations of claims 2 and 4 were incorporated into claim 1. Claims 5-8, 21, and 23 depend upon the base claim 1, thus all the arguments regarding the patentability of claim 1 are equally applicable to claims 5-8, 21, and 23. Claim 13 has been canceled.

The Examiner further noted that claim 3 would be allowable if rewritten in independent form to overcome the objection to thereof as set forth in the office Action of January 7, 2008, and to include all of the limitation of the base claim and any intervening claims. The Examiner also noted that claims 22, and 24 were objected to as being dependent upon the rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims. Therefore, claim 3 has been amended to overcome the examiner's objections thereto and rewritten in independent form to include all of the limitations of claims 1 and 2, thus placing claims 3 and 21-24 in condition for allowance. Moreover, new claim 30 has been added representing claim 3 amended to overcome the examiner's objection thereto and including the limitations of the base claim 1.

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It is respectfully submitted that claims 1, 3, 5-10, 21-24, 30 and 31 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

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